



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** October 17, 2005  
**AGENDA DATE:** October 20, 2005  
**PROJECT ADDRESS:** 210 Meigs Road (MST2002-00710)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Jan Hubbell, AICP, Senior Planner  
Trish Allen, Associate Planner

### **I. SUBJECT**

The subject property is a 53,484 square foot vacant lot located in the East Mesa Area adjacent to Washington School at the terminus of Lighthouse Road and across the street from La Mesa Park. The project consists of a one-lot subdivision with ten condominium units (8 market and 2 affordable), ranging in size from 1,080 square feet to 2,409 square feet. Each unit would have two covered parking spaces and three guest parking spaces would be provided on site. A change in the existing General Plan designation from Major Public and Institutional to Residential, 12 units per acre, and removal of a Proposed Park designation would be necessary, as well as a Local Coastal Plan (LCP) Amendment because the General Plan Amendment would affect a parcel in the Coastal Zone. A zone change from E-3/S-D-3 (Single Family Residential/Coastal Overlay Zone) to R-2/S-D-3 (Two Family Residential/Coastal Overlay Zone) is also requested. (Exhibits B & C –Project Plans and Applicant Letter)

The discretionary applications required for this project are:

Actions requiring a Planning Commission recommendation to the City Council and subsequent approval by the City Council and the California Coastal Commission:

1. General Plan Map Amendment to amend the General Plan Land Use Map for the subject parcel from Major Public & Institutional to Residential, 12 units per acre, which would be consistent with the proposed R-2 Zoning designation, and delete the "Proposed Park" designation from this area.
2. Local Coastal Plan Amendment to amend the Local Coastal Plan Land Use Map in the Coastal Zone (SBMC §28.45.009.7)
3. Zoning Map Amendment to change the E-3/SD-3, Single Family Residential Zone/Coastal Overlay Zone, to R-2/SD-3, Two Family Residential Zone/Coastal Overlay Zone (SBMC §28.92.015).

Actions by the Planning Commission contingent upon above actions by the City Council and Coastal Commission:

1. Modification to allow a wall to exceed the maximum allowable height of eight feet (SBMC§28.87.170);
2. Coastal Development Permit for a one lot subdivision to construct residential condominiums in the non-appealable jurisdiction of the Coastal Zone (SBMC §28.45.009), and
3. Tentative Subdivision Map for a one-lot subdivision to construct residential condominiums (SBMC Chapter 27.07).

**II. SITE DESCRIPTION**

Applicant:	Steve Fort, Tynan Group
Architect	Pete Ehlen, East Beach Ventures
Property Owner:	Michael Stevens
Project Address:	210 Meigs Road
Parcel Number:	045-110-011
Existing General Plan:	Major Public & Institutional, with “Proposed Park” symbol
Proposed General Plan:	Residential, 12 units per acre
Existing Zoning:	E-3/SD-3, Single Family Residential Zone/Coastal Overlay Zone
Proposed Zoning:	R-2/SD-3, Two Family Residential Zone/Coastal Overlay Zone
Environmental Assessment:	Mitigated Negative Declaration
Existing Use:	Vacant
Proposed Use:	Residential
Topography:	Eight percent average slope to the south towards Meigs Road
Access:	Meigs Road
Adjacent Land Uses:	
North:	Washington Elementary School
South:	Across Meigs Road, La Mesa Park and the U.S. Coast Guard facility
East:	Washington Elementary School
West:	Across Meigs Road, La Mesa Park and the U.S. Coast Guard facility

**III. SITE STATISTICS**

LOT AREA: 53,484 gross square feet (38,553 net square feet)

LOT COVERAGE:

-Building:	14,164 square feet (38%)
-Paving/Driveway:	14,329 square feet (37%)
-Landscaping:	10,060 square feet (26%)
Total:	38,553 square feet (100%)

#### UNIT TYPE

	Type	Affordability	Bedrooms	Sq. Ft.	Parking
<b>Unit 1</b>	Attached	Market Rate	2	1,393	2-car garage
<b>Unit 2</b>	Attached	Market Rate	2	1,339	2-car garage
<b>Unit 3</b>	Attached	Market Rate	2	1,342	2-car garage
<b>Unit 4</b>	Attached	Market Rate	2	1,474	2-car garage
<b>Unit 5</b>	Attached	Market Rate	2	1,411	2-car garage
<b>Unit 6</b>	Attached	Market Rate	3	1,827	2-car garage
<b>Unit 7</b>	Attached	Market Rate	3	2,234	2-car garage
<b>Unit 8</b>	Attached	Market Rate	3	2,409	2-car garage
<b>Unit 9</b>	Detached	Middle-Income	2	1,351	2-car garage
<b>Unit 10</b>	Detached	Middle-Income	2	1,080	2-car garage

#### OPEN YARDS:

- Required: 1,250 square feet
- Provided: ~2,356 square feet

#### PRIVATE YARDS:

- Required: 140 square foot minimum for 2-bedroom units and 160 square foot minimum for 3-bedroom units
- Provided: All units are at or exceed minimum requirement

#### PARKING:

- Required: 1 covered and 1 uncovered parking space per unit or 20 total spaces
- Provided: 20 covered spaces assigned to residents and 3 guest parking spaces

#### BUILDING HEIGHT:

- Required: Cannot exceed 30 feet in height
- Proposed: Structures range from 23 to 28.5 feet in height

## **IV. ENVIRONMENTAL REVIEW**

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Mitigated Negative Declaration were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: aesthetics, biological resources, geophysical conditions, noise (short term), public services (solid waste), transportation and circulation, and water environment. Also evaluated in the document

as less than significant impacts are air quality, cultural resources, hazards, noise, population and housing, and recreation. The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

**A. AESTHETICS**

The project site is not located along an existing or proposed scenic highway. Although the site is located across Meigs Road from La Mesa Park, the primary views from the park are directed toward the ocean. Views from the park to the north are obscured by the existing vegetation along the project site frontage. Public views to the north and the project site are considered somewhat degraded due to the urban setting. The project would include landscaping and architecture that would be consistent with the design guidelines and standards that the Architectural Board of Review uses to assure scenic view compatibility.

The site is currently dominated by a mature stand of eucalyptus trees, which are proposed to be removed. The project would result in a visual change from the street and La Mesa Park due to the removal of the trees. About 57 existing 4 to 42 inch trees, mostly Eucalyptus and other non-natives, would be removed. The project landscape plan includes 63 new trees, 43 of which would be 24-inch box trees, and about 15 feet tall when planted.

The Architectural Board of Review (ABR) has reviewed the project and has made generally positive comments (see Exhibit D). Mitigation Measures have been incorporated that will reduce impacts to less than significant levels.

**B. AIR QUALITY**

This project will not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. Long-term emissions are much less than the Santa Barbara county Air Pollution Control District threshold of impact significance for air quality impacts; therefore long term project air quality impacts are less than significant. Children are considered sensitive receptors for air quality concerns. Because the project is adjacent to Washington School, a location with a concentration of children, the MND has incorporated recommended mitigation measures to further minimize construction dust emissions. Also, recommendations are included under the Noise section to extend standard construction hours to shorten the overall length of construction time.

**C. BIOLOGICAL RESOURCES**

The project would not result in significant impacts to biological resources and habitat. The proposed project would remove approximately 57 existing 4 to 42 inch trees (mostly Eucalyptus Trees and other non-native trees) and plant 63 new trees, 43 of which would be 24" box trees. According to the biologist, Rachel Tierney, the removal of the eucalyptus grove would not result in a significant impact because no sensitive, endangered, rare or threatened species are known to use or be established at the subject site. The trees provide roosting habitat for raptors (birds of prey), their use as a nesting site at this location is extremely limited due to the location and size of the copse. Raptors are protected by laws and regulations administered by the US Department of Fish and Wildlife Service and the Department of Fish and Game. To

ensure that the raptors and other migratory birds are not harmed, mitigation measures have been included that limit construction and tree removal timing unless a survey to locate active raptor nests is conducted and either no nests are found or the nesting areas are avoided until fledglings leave. The one oak tree found on the site will be protected during construction and long-term protection has also been incorporated into the project. Although the tree is expected to survive, a mitigation measure to plant five additional coast live oak trees on the project site has been included.

**D. CULTURAL RESOURCES**

The project site is not located within any of the cultural sensitivity zones, based on the City Master Environmental Assessment (MEA) *Cultural Resources Sensitivity Map*. The project impacts to archaeological resources are less than significant. The site is vacant and no known historic resources or ethnic or religious resources are known to exist on the site. The project would have no impact related to historic, ethnic or religious resources.

**E. GEOPHYSICAL CONDITIONS**

Project impacts related to ground shaking, liquefaction, and subsidence/expansive soils would be minimized to less than significant levels with incorporation of grading and recompaction recommendations included in the Preliminary Foundation Investigation prepared by Pacific materials laboratory for the project.

**F. HAZARDS**

The project site is not on any lists for known contaminated soils, groundwater, or hazardous materials use; project impact relative to hazardous material exposure is less than significant. The project would be subject to standard conditions to address the possibility of encountering hazardous materials during construction.

**G. NOISE**

The proposed project is not anticipated to have significant long-term noise impacts. Noise during construction is generally intermittent and sporadic and, after completion of initial grading and site clearing activities, tends to be quieter. Noise generated during project grading activities would result in a short-term adverse construction impacts to sensitive receptors in the area. These impacts would be further reduced by extending standard construction hours to shorten the overall length of construction time and increase the opportunity to conduct construction outside school hours. Also, mitigation measures have been included to reduce noise impacts by the provision of a noise control plan that would incorporate noise shields and blankets. The project applicant would coordinate with Washington School to limit construction during school wide testing.

**H. POPULATION AND HOUSING**

The project would not involve substantial employment growth that would increase population and housing demand. Growth-inducing impacts would be less than significant.

**I. PUBLIC SERVICES**

Public services in the project vicinity are in place. There would be no project impacts related to

fire and police protection, schools, roads, and utilities. Short-term project related potential impacts to solid waste disposal would be minimized with a mitigation measure to reduce, reuse, and recycle construction waste to the extent feasible.

#### **J. RECREATION**

The project may result in an increase in the demand for recreational facilities, but is considered an incremental increase in the number of potential users for existing facilities. There are various recreational facilities in the project area including La Mesa Park, Shoreline Park, and the beach. Project impacts related to recreational demand would be less than significant.

#### **K. TRANSPORTATION/CIRCULATION**

The project is expected to generate approximately 4 additional a.m. peak hour trips, 5 p.m. peak hour trips and 59 average daily trips. When these trips are added to the existing street network, they would not result in significant traffic impacts. The Level of Service of the intersections would remain at A or B operating levels after development of this project; project impacts related to long term project traffic impacts would be less than significant.

Short term construction traffic would not result in a significant impact to the traffic network because of the temporary nature of the trips generated and the size of the project. Standard mitigations include restrictions on the hours permitted for construction trips and approval of routes for construction traffic. Also, during early construction work until access directly off of Meigs Road can be constructed, trips would be scheduled to avoid conflict with Washington School.

The project applicant submitted a sight visibility analysis to demonstrate that safe access could be provided off of Meigs Road to the project site. To ensure safe access and proper visibility, the project would incorporate the following improvements: an 8-10 foot wide center median, a curb extension, sidewalk, and parkway. Also, parking along the property frontage would be prohibited. With incorporation of these public improvements, project impacts relative to access and circulation would be mitigated to less than significant.

#### **L. WATER ENVIRONMENT**

The existing onsite drainage sheet flows southeasterly across the property, down an embankment, over an existing curb and gutter onto Meigs Road. Drainage on Meigs Road surface flows in existing curb and gutter southeasterly down the street into an existing drop inlet located approximately 176 feet from the south easterly property corner. Drainage from the inlet is conveyed in a 24-inch reinforced concrete pipe and eventually outlets at the beach on the south side of Meigs Road. The proposed onsite drainage would follow the same drainage course as the existing drainage except that all on site drainage would be collected by a series of catch basins and transported to Meigs Road via curb outlet drains. All proposed runoff would be filtered by pollution interceptor devices installed in the public right-of-way prior to entering the storm drain system.

Proposed grading for the project would consist of 3,830 cubic yards of cut and 10 cubic yards of fill outside the building footprints. 1,082 cubic yards of the cut and 1,082 cubic yards of fill is proposed under the building footprints. Standard erosion and dust control measures have

been included in the project conditions to minimize potential short term adverse impacts to water and air quality.

A Draft Mitigated Negative Declaration (MND) was prepared and released for public review. During the public review period from August 8, 2005, to September 7, 2005, public comment on the draft MND was taken. An Environmental Hearing by the Planning Commission was held on August 25, 2005 for the project (draft minutes are attached to Final ND). Environmental concerns related to air quality, noise, and circulation were raised. These issues are outlined in the Staff response to public comments incorporated into the revised Mitigated Negative Declaration (Exhibit F).

The Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA and prior to approving the project, the Planning Commission must consider the Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measures conditions of project approval and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation [PRC Sec.21081.6]. The mitigation measures described in the proposed Final Mitigated Negative Declaration have been incorporated into the recommended conditions of Planning Commission Staff Report project approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final Mitigated Negative Declaration.

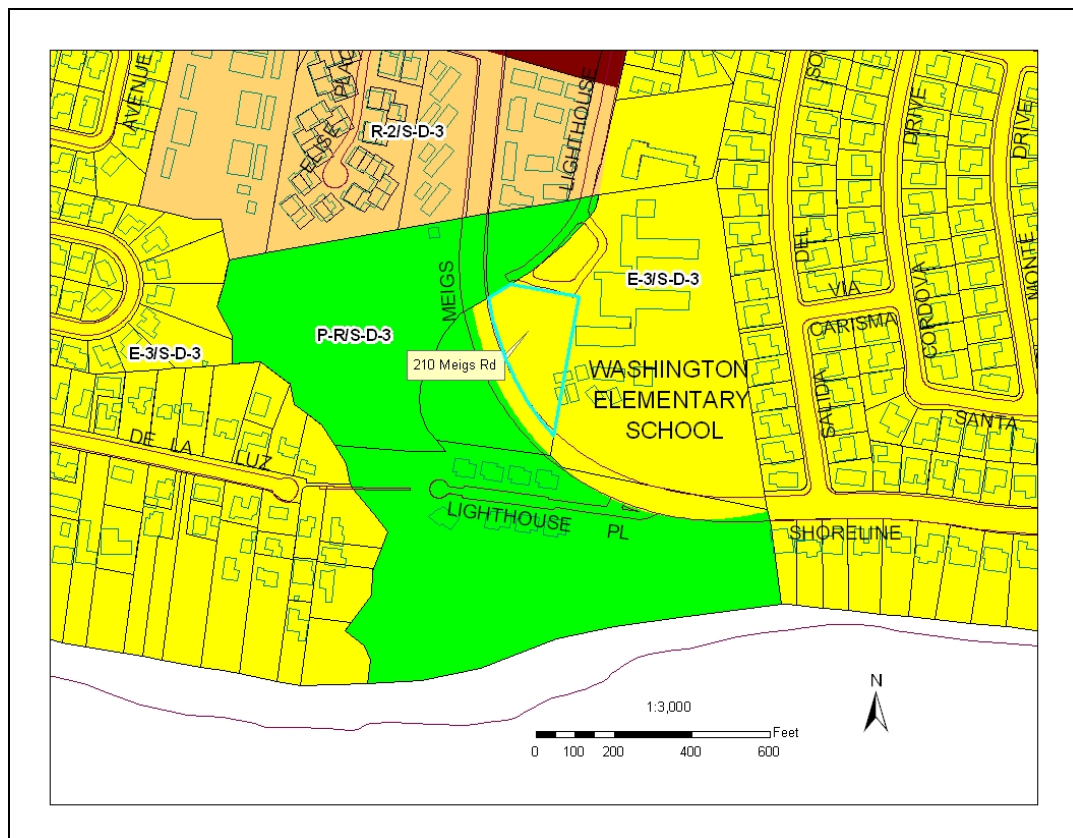
## **V. DESIGN REVIEW**

The Architectural Board of Review (ABR) conceptually reviewed the project in February, July and October of 2004 (Exhibit E – ABR Minutes). At the last concept review hearing, the ABR forwarded the project to the Planning Commission stating the overall site-plan is successful because it incorporates good pedestrian circulation, internalizes the parking area to hide it from public view and responds well to the adjacent elementary school. The Board found the overall mass, bulk and scale to be moving in the right direction, but wanted to see more significant vertical break-ups on the first floor along Meigs Road and wanted Units 3 through 6 to have better grounding and distinguishing architectural elements that Units 7 and 8 have. The Board appreciates the stepping of the buildings into the natural terrain and the introduction of more landscaping in the courtyard areas. The Board also appreciates the introduction of skyline trees to break up the building masses and the extension of the parkway and the narrowing of the road to provide more landscaping to the project site. If the project is approved by the Planning Commission, the project will require preliminary and final review and approval from the ABR.

## **V. ISSUES**

### **A. ZONE CHANGE AND ZONING ORDINANCE CONSISTENCY**

A change of zone is a legislative process and the City procedures require that the Planning Commission or City Council initiate the rezoning before the applicant can submit a formal application for rezoning. In this case, the property owner requested the zone change from E-3 to R-2, and the Planning Commission initiated the rezone for the subject parcel on January 23, 2003 (Exhibit F – PC minutes, 1/23/03).



**Figure 1: Vicinity zoning map for 210 Meigs Road**

There are a number of zones surrounding the subject site. Washington Elementary School immediately surrounds the site to the north and east. The school is zoned E-3/SD-2, Single Family Residential Zone/Coastal Overlay Zone. The school also owns a vacant parcel to the north of the site that is zoned P-R/SD-3, Park & Recreational/Coastal Overlay Zone. Further north of the site, there is an existing 22 unit condominium complex that is zoned R-2/SD-3, Two Family Residential/Coastal Overlay Zone. To the south, across Meigs Road, there is La Mesa Park and the U.S. Coast Guard facility, which are zoned P-R/SD-3, Park & Recreational/Coastal Overlay Zone, and an affordable multi-family development, which is zoned R-2/SD-3, Two Family Residential/Coastal Overlay Zone.

The current E-3 zoning designation allows for the development of only one single family residence. It appears the original intent of the E-3 zoning for this property was to match the other E-3 zoned properties that are common in the East Mesa neighborhood. The property, however, could possibly be developed with up to four market rate dwelling units via a four lot subdivision and General Plan and Local Coastal Amendments to Five Dwelling Units per Acre. Although the Zoning Ordinance would allow up to five dwelling units, the proposed General Plan designation of Five Dwelling



Units per Acre would only allow up to four units, based on the square footage of the property.

The proposed R-2 zoning allows for duplex and single family development with a minimum of 3,500 square feet of lot area required for each unit. The lot area is based on net lot area versus gross lot area since the net lot area excludes the public right of way that cannot be developed with housing. A zone change to R-2 would allow a total build out of eleven units on the 38,553 square foot site. Although the Zoning Ordinance would allow up to eleven dwelling units, the proposed General Plan designation of 12 Dwelling Units per Acre would only allow up to ten units.

The following chart represents the zoning standards that apply to the existing E-3 and proposed R-2 zoning categories.

	<b>E-3</b>	<b>R-2</b>
Maximum Height	30 feet	30 feet
Minimum Lot Size for New Lots	7,500 square feet	7,000 square feet
Units Allowed Based On Lot Area	One SFR only or four lot subdivision with GP & LCP Amendments	Lots >7,000 s.f., 3,500 s.f. per unit (In this case, 11 units per Zoning/10 per General Plan)
Front Yard Setbacks	20 feet	1-story = 15 feet, 20 feet for second story portions 20 feet for garages facing the street
Interior/Rear Yard Setbacks	6 feet	6 feet, 3 feet for parking
Open Yard	1,250 square feet all in one area	1,250 square feet, can be split into three different locations
Distance Between Buildings	20 feet	1-story = 10 feet 2-story = 15 feet

The applicant is proposing eight (8) market rate residential condominiums and two (2) affordable residential condominiums. The affordable residential condominiums would be sold as middle-income units (130% of the AMI). Because the construction of affordable housing is very important, Staff supports upzoning the project size from E-1 to R-2 on this site. The upzone has also received the support of the Planning Commission and Architectural Board of Review throughout the various concept reviews. Although there is no one set calculation for determining the number of affordable units for rezones under the City's density bonus policies and guidelines, Staff advises the Planning Commission to determine a reasonable affordability component for this project that would meet the intent of the City's density bonus policies and guidelines and the needs of the community. **Staff's recommendation to the Planning Commission is that the ratio of affordable middle income units to market units in no event drop below fifty percent (i.e. 5 market rate units and 5 affordable units).** This percentage would be the same as for the rezoned condominium development on

424-448 Santa Fe Lane (14 units, 50% affordable) and a little less than the rezone recently approved at 2109 Cliff Drive (5 units, 60% affordable).

The proposed project would meet all of the requirements of the proposed R-2 Zone, including building height, distance between buildings, solar access and parking (See Section III for Site Statistics).

**B. GENERAL PLAN MAP AMENDMENT AND GENERAL PLAN CONSISTENCY**

Under the City's Charter Section 1507, no amendment to the City's General Plan shall be effective unless approved by five affirmative votes of the City Council.

The subject lot is in the East Mesa Neighborhood as described in the Land Use Element of the General Plan. This area is described as mostly having a density classification of five dwelling units per the acre, which would be consistent with E-3 zoning classification. The discussion in the General Plan of both the East and West Mesa neighborhoods is that, despite the predominant single-family development, there has been in the past pressure for rezoning to allow multi-family developments along Cliff Drive. The General Plan has shown an area around the Mesa Shopping Center in a density classification of twelve dwelling units to the acre. Most of this area is now zoned R-2 and is developed with garden apartments, duplexes and condominiums. The subject site is located near the intersection of Cliff and Meigs where the Mesa Shopping Center is located.

The current General Plan Designation is Major Public and Institutional. It appears the original intent of this designation of Major Public and Institutional was because the subject site is located in between La Mesa Park and Washington Elementary School. It was anticipated that the site would be used for either park or school purposes. The property immediately to the north of the subject property was owned by the City as part of La Mesa Park until 1991. After approval by City voters, this parcel was sold to Santa Barbara Elementary School District. The rezone and General Plan amendment would extend the current R-2 zoning and twelve dwelling units per acre General Plan designation south of the Mesa Shopping Center area.

The project would result in a build out of 11.3 dwelling units per acre which could be found consistent with the Residential-12 dwelling units per acre proposed General Plan designation. Based on the existing development pattern in this area, staff believes that a General Plan land use designation of twelve units per acre would be appropriate for this parcel.

**1. Housing Element**

The proposed project would be providing two condominium units to middle-income residents (130% of the Area Median Income). This income group has been identified by the City as an important income level to target in the development of new homes, which is reflected in the City's recently adopted Housing Element and Inclusionary Housing Ordinance. This project is not subject to the Inclusionary Housing Ordinance, so the provision of these middle-income affordable units is not mandated by the City. However, the City has

historically viewed all additional units made possible through a rezone as density bonus units. This is the approach that Staff recommends in this case, resulting in five market rate units and five affordable units.

**C. WALL HEIGHT MODIFICATION**

The Planning Commission expressed concern about safety relative to the adequacy of the proposed project perimeter wall. The project side of the wall would be eight feet high and the school side of the wall would be four feet high. Due to the significant drop onto the project side of the wall and the landscaping that would be planting, Staff is of the opinion that the proposed wall height is adequate for safety purposes. A 42" high wall or fence would be considered adequate per the Building Code. If the Planning Commission believes that the wall should be higher, Staff would support an increase of the eight foot maximum wall height located in the interior yard setback.

**D. COASTAL PLAN MAP AMENDMENT / COASTAL DEVELOPMENT PERMIT**

The project must be found consistent with the City's Local Coastal Plan (LCP) because the site is located in the Coastal Zone. The Coastal Plan Map designation for the site is Major Public and Institutional. The proposed designation is Residential-12 units per acre. The project is located in Component Two of the LCP. The LCP acknowledges that this area is almost entirely developed with single-family residences with a few areas of multiple family residential located primarily around the commercial center at the intersection of Cliff Drive and Meigs Road.

Based on compatibility with the existing development pattern in this area and, because City policy has established the construction of affordable housing as a very important goal, staff believes that extending the 12 units per acre density to this parcel is appropriate for the site and is consistent with the Coastal Plan. The major coastal issues that are applicable to this project are housing, neighborhood compatibility and preserving views.

**1. Neighborhood Compatibility**

In accordance with LCP Policy 5.3, the proposal would be compatible in terms of design, scale and size with the character of the established neighborhood. Washington Elementary School immediately surrounds the site to the north and east. Further north of the site there is an existing 22 unit condominium complex and further east there are single family residences. To the south, across Meigs Road, there is La Mesa Park and the U.S. Coast Guard facility, and an affordable multi-family development. The project has received positive comments from the Architectural Board of Review and would return for preliminary and final approval contingent on Planning Commission approval (see Section V of report for more details). Additionally, the project would provide all of the required parking on site plus three additional guest parking spaces, and therefore would not overburden public circulation or the neighborhood's on-street parking resources.

2. **Visual Resources**

Vegetation within this disturbed site consists of common ornamental shrubs (Pyranantha, Myoporum) and trees (Acacia, California Pepper, Eucalyptus). Ground cover consists of non-native grasses (Bromus, Avena) and common weeds (mustard, radish, thistle). The proposed project would remove approximately 57 existing 4 to 42 inch trees (mostly Eucalyptus Trees and other non-native trees) and plant 63 new trees, 43 of which will 24" box. The LCP includes discussion of existing plans and policies that have been adopted for preservation and enhancement of the City's coastal resources and its visual qualities. In particular, the following Conservation Element Goals, Policies and Implementation Strategies address tree protection.

*Visual Resource*    *Trees enhance the general appearance of the City's*  
*Policy 4 -*                *landscape and should be preserved and protected.*

*IS 4.1*                *Mature trees should be integrated into project design*  
*rather than removed. The Tree Ordinance should be*  
*reviewed to ensure adequate provision for review of*  
*protection measures proposed for the preservation of trees*  
*in the project design.*

*IS 4.2*                *All feasible options should be exhausted prior to the*  
*removal of trees.*

*IS 4.3*                *Major trees removed as a result of development or other*  
*property improvement shall be replaced by specimen trees*  
*on a minimum one-for-one basis.*

From a visual standpoint, the proposed project would result in a visual change from the public street and neighboring La Mesa Park with the loss of skyline trees. The extent and scenic quality of this view as experienced from public viewpoints, however, would only be short term because 43 skyline trees have been incorporated in the project's landscape design. The proposed landscaping design has received positive comments from the Architectural Board of Review and would result in a positive aesthetic effect to the site and with the surrounding. The existing oak tree (diameter breast height of 14 inches) located at the northern edge of the site, is proposed to remain. The biologist's tree protection mitigations have been included in the Planning Commission Conditions of Approval.

VI. **RECOMMENDATION/FINDINGS**

City Staff is supportive of the proposed ten unit residential condominium project. The project would be consistent with the General Plan and Zoning Ordinance, with the rezone from E-3,

Single Family Residential, to R-2, Two Family Residential, and accompanying LCP Amendment. The density of the proposed development would be compatible with the surrounding neighborhood. The project is expected to be an attractive development and would provide for a net gain of both market rate and affordable residential units in the City's housing stock. Given that the City is generally built out, and the opportunity for increased residential developments is minimal, this is a good opportunity to provide additional housing units in the City. Therefore, Staff recommends that the Planning Commission adopt the Final Mitigated Negative Declaration, make the following findings outlined below, and approve the project with five market rate and five affordable units, subject to the Conditions of Approval contained in Exhibit A.

**A. MITIGATED NEGATIVE DECLARATION FINDINGS**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated October 20, 2004 for the 210 Meigs Road project (MST2002-00710), and comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the 210 Meigs Road project (MST2002-00710).
2. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the 210 Meigs Road project, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the 210 Meigs Road project (MST2002-00710) will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated October 20, 2005, is hereby adopted.
3. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the 210 Meigs Road project (MST2002-00710) and is hereby adopted.
4. The location and custodian of documents associated with the environmental review process and decision for the 210 Meigs Road project (MST2002-00710) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
5. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project has the potential to affect fish and wildlife resources. The Initial Study/ Mitigated Negative Declaration for the project identified potential impacts as mitigable to

less than significant levels. The project is subject to the DFG fee (\$1250 for a Negative Declaration). A condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

**B. WALL HEIGHT MODIFICATION (SBMC §28.87.170)**

In order for the Planning Commission to approve the requested modification to allow the perimeter wall to exceed a maximum height of eight feet, it must find that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

An increase in the wall height would meet the intent of the Zoning Ordinance. The height of the wall from the school side of the project would continue to be less than the maximum of eight feet. The wall from the project side would be screened with landscaping without compromising safety or aesthetics.

**C. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the Local Coastal Plan as amended. In addition, the size and massing of the project would be consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined below, and subject to the conditions of approval in Exhibit A.

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

**D. TENTATIVE MAP (SBMC §27.07.100)**

With the Rezone and General Plan and LCP Amendments, the tentative subdivision map and design of the development would be consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development. The design of the project would not cause substantial environmental damage, and associated improvements would not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

**E. CONDOMINIUMS (SBMC §27.13.080)**

1. *The project complies with the provisions of the City's Condominium Ordinance.*  
The project complies with the proposed R-2 zone's density requirements, and each unit includes adequate covered parking areas, with storage, laundry facilities, separate utility metering, adequate unit size and required outdoor living space.

2. *The proposed development is consistent with the General Plan of the City of Santa Barbara.*

With the proposed General Plan amendment, the project is consistent with policies of the City's General Plan including the Land Use Element, Housing Element, Conservation Element, Circulation Element, and Noise Element subject to the City Council granting the requested Land Use Designation Change.

3. *The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.*

The project is an infill residential project proposed in an area where residential is a permitted use. The project is adequately served by public streets, would provide adequate parking to meet the demands of the project and would not result in traffic impacts. Adequate park facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire, and schools.

#### **F. RECOMMENDATIONS TO CITY COUNCIL**

1. General Plan and Local Coastal Plan Amendments

Staff recommends that the Planning Commission recommend to the City Council a redesignation of the subject property from Public and Institutional and Proposed Park to Residential, 12 units per acre. This designation recognizes the fact that the property is in private ownership and both the City of Santa Barbara and the Santa Barbara School Districts have declined to purchase the subject property for either school or park purposes. Designation of the property as Residential, 12 units per acre, will allow for development of both market-rate and affordable housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent with nearby development and land uses.

2. Rezone

Staff recommends that the Planning Commission recommend to the City Council a rezone of the subject property from E-3/SD-3, Single Family Residential Zone/Coastal Overlay Zone, to R-2/SD-3, Two Family Residential Zone/Coastal Overlay Zone. This zone would be consistent with the proposed General Plan and Local Coastal Plan designation and would be consistent with the Local Coastal Plan text discussion of development in this area of the Mesa Neighborhood.

#### **Exhibits:**

- A. Conditions of Approval
- B. Project plans (available at 630 Garden Street at Planning Counter)

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- C. Applicant letter dated October 6, 2005
- D. ABR Minutes
- E. Final Mitigated Negative Declaration, October 20, 2005
- F. Planning Commission Minutes, January 23, 2003

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